

11

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 15-12592

p-j:cotter,

Bankruptcy Number 14-51270

Honorable Linda V. Parker

p-j:cotter,

Appellant,

v.

MICHAEL STEVENSON,

Appellee(s).

FILED
2015 SEP 18 A 11:35
U.S. DISTRICT COURT
EASTERN DISTRICT OF
MICHIGAN
DETROIT

p-j:cotter
P O Box 131
Anchorville, MI 48004
(810) 459-6972
pocmich@yahoo.com
APPELLANT

STEVENSON & BULLOCK, PLC
Sonya N. Goll
Attorneys for the Chapter 7 Trustee
26100 American Drive, Suite 500
Southfield, MI. 48034
(248) 354-7906 ext. 2234
sgoll@sbplclaw.com
Counsel for Appellee

341 HEARING

BEFORE MICHAEL STEVENSON, CHAPTER 7 TRUSTEE

TRANSCRIPT ORDERED BY: P.J. COTTER

Transcribed by: Lynn L. Simmons

8284 Caribou Trail

Clarkston, MI 48348

248-922-1587

EIGHT (8) PAGES ATTACHED

September 18, 2015

Nunc pro tunc

All Rights Reserved

Void Where Prohibited by Law

Vi Coactus

By: p-j:cotter

By: p-j:cotter

P O Box 131

Anchorville, MI 48004

(810) 459-6972

pocmich@yahoo.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

p-j:cotter,

Case No. 15-12592

Bankruptcy Number 14-51270

Honorable Linda V. Parker

p-j:cotter,

Appellant,

v.

MICHAEL STEVENSON,

Appellee(s).

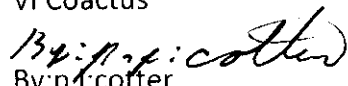
CERTIFICATE OF SERVICE

341 HEARING
BEFORE MICHAEL STEVENSON, CHAPTER 7 TRUSTEE
TRANSCRIPT ORDERED BY: P.J. COTTER
Transcribed by: Lynn L. Simmons
8284 Caribou Trail
Clarkston, MI 48348
248-922-1587

I, p j cotter certify that on this 18th day of September 2015 a copy of the foregoing documents filed in the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION were served upon the following parties via U.S.P.S. first class mail.

Sonya N. Goll
STEVENSON & BULLOCK, PLC
26100 American Drive, Suite 500
Southfield, MI 48034

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 18th day of September 2015, at Saint Clair County, Michigan.

Nunc pro tunc
All Rights Reserved
Void Where Prohibited by Law
Vi Coactus

By: p-j:cotter
P O Box 131
Anchorville, MI 48004
(810) 459-6972
pocmich@yahoo.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In the matter of:

P.J. COTTER,

Case No. 14-51270

Detroit, Michigan
Thursday, September 11, 2014
Judge Tucker

Debtor

341 HEARING

BEFORE MICHAEL STEVENSON, CHAPTER 7 TRUSTEE

TRANSCRIPT ORDERED BY: P.J. COTTER

APPEARANCES:

For the Debtor:

In pro per
BY: P.J. COTTER
P.O. Box 131
Anchorville, MI 48004

Transcribed by:

Lynn L. Simmons
8284 Caribou Trail
Clarkston, MI 48348
248-922-1587

TABLE OF CONTENTS

PROCEEDINGS - Thursday, September 11, 2014	3
DEBTOR WITNESS: P.J. Cotter	
Examination by the trustee	3

P.J. Cotter
341 hearing - September 11, 2014

Detroit, Michigan

Thursday, September 11, 2014

11:00 A.M. Call

-- --

THE TRUSTEE: Next matter is P.J. Cotter. This is -- just one second. P.J. Cotter, case number 14-51270. Do you have your driver's license, Social Security card?

MR. COTTER: Yes, sir. I've amended this complaint and put in a motion to dismiss.

THE TRUSTEE: Okay. Raise your right hand.

P.J. COTTER, DEBTOR, SWORN

THE TRUSTEE: Okay. Please be seated.

EXAMINATION

BY THE TRUSTEE:

Q. Please state your full name, your current address, and the last four digits of your Social Security number.

A. P.J. Cotter, P.O. Box 131, Anchorville, Michigan, 48004. Soc., 6969.

Q. Okay. I return that to you.

A. Thank you.

Q. You filed a motion to dismiss previously, and I filed a response to the motion, but you had some kind of deficiency with the motion that you filed.

A. And that was --

Q. So it never got set for hearing. And I noted yesterday

P.J. Cotter
341 hearing - September 11, 2014

1 or the day before you filed another motion to dismiss.

2 A. I -- I --

3 Q. To which I'm going to respond, because there seems to be
4 some pending litigation in the Federal District Court, as well
5 as the fact that you have some real estate that I'm
6 investigating the value. Is that correct, sir?

7 A. There is an amended complaint that was filed Monday in
8 this case removing a purported creditor, because the purported
9 creditor admitted that they were a debt collector and had no
10 business in this.

11 Q. Okay.

12 A. So that's why I moved to dismiss, because there's no need
13 for a bankruptcy hearing.

14 Q. Okay. Sir, you're not represented by counsel; correct?

15 A. No.

16 Q. Did you read your petition, schedules and statements
17 before you signed them?

18 A. Yes.

19 Q. Were they truthful and accurate at that time?

20 A. Yes.

21 Q. They remain truthful and accurate today?

22 A. Except for the amended part of it, yes.

23 Q. Okay. Did you have the assistance of a bankruptcy
24 petition preparer?

25 A. No.

P.J. Cotter
341 hearing - September 11, 2014

1 Q. And you didn't pay anybody any money to help you with
2 your petition and schedules?

3 A. No.

4 Q. Okay. Do you own any real estate, sir?

5 A. Yes.

6 Q. And what's the address of the real estate?

7 A. 6243 Church Road.

8 Q. In what --

9 A. Fair Haven.

10 Q. Fair Haven, Michigan?

11 A. Yes.

12 Q. What's the zip code there?

13 A. 48023.

14 Q. Okay. What do you think the value of that property is?

15 A. According to the SEV it's 160,000.

16 Q. Okay. I think you have it listed in your schedules as
17 173,000. You say also in your Schedule A that you don't have
18 any liens against it. Is that true?

19 A. There's a purported mortgage, but it's unfounded.

20 Q. Okay. How is the mortgage unfounded?

21 A. It doesn't represent anything that I've ever signed.

22 Q. Okay. Did you ever have a mortgage on that property?

23 A. At one time, when I bought it.

24 Q. Did you --

25 A. When I originally bought the property.

P.J. Cotter
341 hearing - September 11, 2014

- 1 Q. When you originally bought the property. And did you pay
2 that mortgage off?
- 3 A. Yes.
- 4 Q. Okay. Who was that mortgage with?
- 5 A. There was one with -- I believe it was Greenpoint.
- 6 Q. Okay.
- 7 A. Or Chase. Chase. Excuse me, Chase. Chase Bank.
- 8 Q. Did you ever have a mortgage with GMAC?
- 9 A. No.
- 10 Q. Okay. But you sued GMAC in a district court; is that
11 correct?
- 12 A. They attempted to start a foreclosure action.
- 13 Q. Right. And then --
- 14 A. I have no contract with them.
- 15 Q. Right. You sued them in a district court. The district
16 court found in their favor. And then you appealed to the
17 Sixth Circuit Court of Appeals in Cincinnati, and they found
18 in GMAC's favor; correct?
- 19 A. In a manner of speaking, yes.
- 20 Q. Well, how is it --
- 21 A. Okay. That's fine. Yes.
- 22 Q. Okay. All right. Then GMAC transferred its interest in
23 the property to Aquin?
- 24 A. As a third-party debt collector.
- 25 Q. Okay. And now you're suing Aquin in the district court?

P.J. Cotter
341 hearing - September 11, 2014

1 A. *As a third-party debt collector in violation of FDCB 16.
2 92 (sic).

3 Q. Okay. Do you have any other claims against anyone you
4 could sue for?

5 A. No.

6 Q. Are you entitled to inherit any money or property from
7 anyone in the next six months?

8 A. No.

9 Q. Now you -- you said in your schedules that you are not
10 employed; correct?

11 A. Yes.

12 Q. And your only source of income is unemployment
13 compensation and retirement pension?

14 A. Retirement.

15 Q. No unemployment compensation?

16 A. No. Not unemployment. Social Security.

17 Q. Oh, Social Security. Okay. Social Security and pension.
18 Okay. All right. And -- and aside from that one piece of
19 property that we were talking about, you don't have an
20 interest in any other real estate?

21 A. No.

22 Q. And haven't in the past six years?

23 A. No.

24 Q. Okay. And no one's added your name to the deed to their
25 property or their bank accounts or anything?

P.J. Cotter
341 hearing - September 11, 2014

1 A. No, sir.

2 Q. All right. I don't have anything further. That will
3 conclude your meeting.

4 A. Very good. Thank you, sir.

5 Q. Thank you.

6 A. Have a good day.

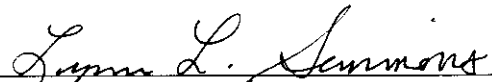
7 Q. You, too.

8 (Hearing concluded.)

- - -

I certify that the foregoing is a correct transcript of the
proceedings held in the above-entitled matter.

DATED: September 2, 2015


Lynn L. Simmons, Transcriber